IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

MARCO SHAUNTA RAINE, :

Petitioner, :

CIVIL ACTION 12-0100-WS-M

V. :

CRIMINAL ACTION 07-00405-WS-M

UNITED STATES OF AMERICA,

Respondent. :

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Petitioner's Motion to Vacate (Doc. 71) be **DENIED** and that this action be **DISMISSED**. It is further **ORDERED** that no Certificate of Appealability shall issue and no appeal in *forma pauperis* shall be allowed.

DONE this 19th day of November, 2012.

s/WILLIAM H. STEELE CHIEF UNITED STATES DISTRICT JUDGE